

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/521,461
Filed : January 18, 2005
Applicant : Javier BERTROLI ORPI
TC/A.U. : 1625
Examiner : Taofiq A. Solola
Docket No. : 3494-106
Confirmation No. : 2242
Customer No. : 06449

PETITION TO CORRECT PATENT TERM ADJUSTMENT

Director of the United States Patent
and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Applicants request that the Office revise the Patent Term Adjustment (PTA) calculated in connection with the above-identified U.S. patent application. The issue and publication fees are filed concurrently. The number of days calculated by the Office on the Notice of Allowance was 260 days. However, in view of the recent decision in *Wyeth v. Dudas*, the Applicants believe that they are entitled to additional PTA. Specifically, the PTA should be based on the number of days beyond 14 months before applicant received a first office action plus the number of days that pendency exceeded three years, minus any overlap between the two periods.

Filing date = 1/18/05

14 month date = 3/18/06

First Office Action = 6/5/07

First period = 444 days

Three year date = 1/18/08

Request for Continued Exam filed = 12/15/08

Overlap = 0 days

Post 3-Year = 332 days

Applicant delay = 184 days

Total PTA = 592 days

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U.S. Patent Application No. 10/521,461

Page 2

Thus, the total PTA for this patent should be 592 days, not 260 days as originally calculated.

Authorization is hereby given to charge any fee deemed necessary in connection with the filing of this paper, or credit any overpayment, to Deposit Account No. 02-2135.

Respectfully submitted,

By _ / Barbara G. Ernst / _____
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